

## **Permitting & Assistance Branch Staff Report**

New Solid Waste Facilities Permit for

B. Goodrow Compost

SWIS No. 40-AA-0037

August 27, 2012

### **Background Information, Analysis, and Findings:**

This report was developed in response to the Operator request for the California Department of Resources Recycling and Recovery (Department) issuance of a proposed new Solid Waste Facilities Permit (SWFP) for B. Goodrow Facility, Solid Waste Information System (SWIS) No. 40-AA-0037, located in an unincorporated area of Creston, California and owned and operated by Brad Goodrow, Inc.. The Department serves as the Enforcement Agency in this jurisdiction. A copy of the proposed permit is attached. The report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The application for a new SWFP was received on April 19, 2012. Staff completed a review of the permit application package and found the application package to be complete and correct on May 15, 2012. Action must be taken on this permit no later than September 12, 2012. If no action is taken by September 12, 2012, the Department will be deemed to have issued the proposed new permit.

### **Proposed Project:**

The following are key design parameters of the proposed project:

	Proposed Solid Waste Facilities Permit
Name	B. Goodrow Inc.
Owner/Operator	B. Goodrow, Inc.
Facility Type	Compost Facility
Permitted Hours/Days of Operation	8:00 a.m. to 4:00 p.m. Monday through Saturday
Permitted Tons Per Operating Day	200 tons per day
Permitted Traffic Volume	8 truck round trips per day (delivery and return)
Permitted Area (acres)	8.03
Design Capacity	50,000 cubic yards

Other changes include:

1. The submittal of a revised Report of Composting Site Information and Odor Impact Minimization Plan dated April 19, 2012.

## **Key Issues**

The proposed new permit will allow for the following:

1. A permitted maximum tonnage of 200 tons/400 cubic yards per day. The daily peak tonnage is 200 tons per day.
2. The site capacity is 50,000 cubic yards of material.
3. Construction of aerated static piles.
4. The total acreage for the site is 8.03 acres.
5. Food waste will be allowed as a feedstock.

## **Background**

B. Goodrow, Inc. has been operating as a compost operation near the City of Creston, in San Luis Obispo County, since 2002. The operator is proposing an expansion of the site footprint by 2.17 acres, which would allow for a total of 50,000 cubic yards of material on site, allow foodwaste as a feedstock, and convert the windrows to aerated static piles. The operation currently accepts greenwaste as a feedstock.

## **Findings:**

Staff recommends concurrence in the issuance of the proposed new SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685 have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	Department staff acting as EA for San Luis Obispo County accepted the application package as complete and correct on May 15, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	The EA submitted a proposed Solid Waste Facilities Permit on August 27, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	Waste Evaluation & Enforcement Branch (WEEB) in the Jurisdiction Product & Compliance Unit found the facility is identified in the Non-Disposal Facility Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated August 6, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspection and Enforcement Agency Unit conducted a pre-permit inspection on June 5, 2012 and found the facility to be in compliance with applicable state minimum	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
	standards. Permitting & Assistance Branch staff determined that the design and operations described in the submitted Report of Composting Site Information, dated April 19, 2012 will allow the proposed facility to comply with State Minimum Standards.	
21685(b)(9) LEA CEQA Finding	The EA provided a finding that the application package received on April 19, 2012, is consistent with and supported by the existing CEQA documentation. See CEQA information below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the EA on June 5, 2012 at 5:00 p.m. at the Creston Community Church, Creston, CA. See public comment section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed new SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

### **Compliance History:**

B. Goodrow Inc. filed an EA Notification for a Green Material Composting Operation on March 14, 2002. Under the EA Notification the operator was allowed to have 12,500 cubic yards of material on site, with a peak loading of 1,000 cubic yards, and an annual loading of 400 cubic yards. An updated EA Notification was completed on June 28, 2010. The updated EA Notification was for a design change from windrows to aerated static piles. WEEB staff in the Inspection and Enforcement Agency Unit conducted a pre-permit inspection on June 5, 2012 and found the facility to be in compliance with applicable state minimum standards. Below are the details of the compost operation's compliance history based on the EA's quarterly inspection reports during the last five years:

- 2012 – No violations were noted.
- 2011 – No violations were noted.
- 2010 – Three violations of 27 CCR Section 17866 – General Design Requirements, and one violation of 27 CCR Section 17867(a)(12) – Leachate.
- 2009 – No violations were noted.
- 2008 – No violations were noted.

The violations were corrected to the satisfaction of the EA.

**Environmental Analysis:**

Under CEQA, the Department must consider, and avoid or substantially lessen where feasible and within its jurisdiction, any potentially significant environmental impacts of the proposed SWFP before the Department concur in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the San Luis Obispo County, Department of Planning and Building, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The new SWFP revision under consideration will allow for the following: a permitted maximum tonnage of 200 tons/400 cubic yards per day; a site capacity of 50,000 cubic yards of material; construction of aerated static piles and the addition of food waste feedstock.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2009081096, was circulated for a 30 day comment period from August 28, 2009 to September 28, 2009. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation, Monitoring and Reporting Program. The MND was adopted by the Lead Agency on October 08, 2009. It was determined that the project would not have a significant effect on the environment. The MND, together with the Mitigation Measures, was approved by the Lead Agency on August 23, 2010.

The Department acting as the Enforcement Agency for San Luis Obispo County has provided a finding that the proposed new SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed new SWFP. Department staff has reviewed and considered the CEQA Findings adopted by the Lead Agency. Department staff further recommends the MND, together with the CEQA finding, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the EA, the proposed new SWFP and all of its components and supporting documentation, this staff report, the MND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed new SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

**Public Comments:**

The project document availability, hearings, and associated meetings were extensively noticed consistent with the SWFP requirements. The EA conducted a public informational meeting on June 5, 2012, at the Creston Community Church, located at 6265 Adams Street, in the City of Creston. Three members of the public were in attendance. Oral and written comments were received by the EA in regards to: operating hours on Saturday, odor complaints, visual screening and leachate runoff. Staff indicated the facility had the appropriate review and approval for Saturday hours; visual screening activities planned; and an explanation of the Odor Impact Minimization Plan, complaints and follow-up protocols. The leachate question was deferred to the Central Coast Regional Water Quality Control Board.

The Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on August 21, 2012.